

REMARKS/ARGUMENTS

Responsive to the Official Action mailed August 7, 2003, applicant has amended the claims of her application in an earnest effort to place this case in condition for allowance. Specifically, claims 3, 4, 9, and 10 have been canceled, and claims 1 and 5 amended. Reconsideration is respectfully requested.

In the Action, the Examiner set forth a provisional double-patenting rejection, with reference to commonly-assigned Application No. 10/036,840. Applicant submits herewith a Terminal Disclaimer. It is respectfully submitted that this provisional rejection can now be withdrawn.

In the Action, the Examiner rejected the pending claims under 35 U.S.C. §102 and §103, with principal reliance upon PCT publication No. WO 99/38541, to Nakamura, with further reliance upon U.S. Patent No. 6,287,634, to Beall et al. However, as set forth in the amended claims, it is respectfully submitted that applicant's odor controlling composition, and method, are clearly patentably distinct from these references, even when combined, and accordingly, the Examiner's rejections are respectfully traversed.

As discussed in applicant's previous response, the present invention contemplates a particularly effective composition for controlling odor in a disposable hygiene product, which composition comprises hydroxydiphenyl ether in a modified acidic carrier, preferably an aliphatic acidic carrier. In one embodiment of the invention, an aqueous admixture of hydroxydiphenyl ether in a modified acidic carrier is formed, and applied topically to a base substrate material, such as a nonwoven fabric or polymeric film. In an

alternate embodiment, the substrate material is formed from a polymeric composition containing the hydroxydiphenyl ether, with the modified acidic carrier of the odor control composition applied to the base substrate material. In this form of the invention, the hydroxydiphenyl ether blooms to the surface of the substrate construct, such that interaction with the modified acidic carrier can readily occur.

As previously noted, the Nakamura reference is limited in its teachings to the provision of an anti-microbial agent in association with a hydrogel-forming polymer. Applicant has carefully noted the Examiner's analysis in her Action, and have endeavored to revise the presently pending claims to more particularly recite the above-noted aspects of the present invention.

Accordingly, claim 1 specifies that the present composition comprises a hydroxydiphenyl ether in a modified aliphatic acidic carrier, which is provided on the associated base substrate material by *an aqueous admixture* of the hydroxydiphenyl ether and the aliphatic acid carrier. It is respectfully maintained that such an odor control composition is clearly not taught or suggested by Nakamura. Nakamura contemplates that the disclosed anti-microbial agent be adhered to the hydrogel-forming polymeric particles. There is clearly no teaching or suggestion of forming an aqueous admixture, as claimed, for topical application to an associated base substrate.

Applicant notes the Examiner has considered applicants' arguments in connection with claims 6-8, and it is understood that these claims are in condition for allowance, subject to the Terminal Disclaimer submitted herewith.

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In the Action, the Examiner rejected claim 5, with reliance upon the Nakamura reference in view of Beall et al. However, it is respectfully maintained that neither of these references teach or suggest an odor control composition which is provided by topical application of an aqueous admixture of hydroxydiphenyl ether, and an aliphatic acid carrier, as claimed. Accordingly, this rejection is respectfully traversed.

In view of the foregoing, formal allowance of claims 1, 2, and 5-8 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to:
Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **November 7, 2003**.


